

2001 DRAFTING REQUEST**Senate Amendment (SA-SB55)**Received: **05/21/2001**Received By: **kunkemd**Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau**By/Representing: **Renner**This file may be shown to any legislator: **NO**Drafter: **kunkemd**

May Contact:

Addl. Drafters:

Subject: **Public Util. - electric**

Extra Copies:

Submit via email: **NO**

Requester's email:

Pre Topic:

LFB:.....Renner -

Topic:

Commencing construction of electric generating facilities

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	kunkemd 06/01/2001	wjackson 06/01/2001	pgreensl 06/01/2001	_____	lrb_docadmin 06/01/2001		

FE Sent For:

<END>

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1/?	kunkemd	1 WJG/1	6/1 P8	6/1 self			

FE Sent For:

<END>

b0319

Representative Gard

PUBLIC SERVICE COMMISSION

Commencement of Construction of Electric Generating Equipment and Associated Facilities

Motion:

Move to require an electric utility, proposing to construct electric generating equipment and associated facilities designed for nominal operation at a capacity of 100 megawatts or more, to commence construction within one year of the latest of any of the following:

1. Issuance by the PSC of a certificate of public convenience and necessity for the facility;
2. Issuance of every permit, approval, or license issued by a federal, state or local authority that must be obtained prior to commencement of construction;
3. Expiration of any deadline for filing a request for administrative review or consideration of any permit, approval or license issued by a federal, state or local authority that must be obtained prior to commencement of construction; and.
4. Conclusion of any proceeding for judicial review requested by any person whose substantial rights may be adversely affected or by any county, municipality or town having jurisdiction over land affected by a certificate of public convenience and necessity.

Further, provide that upon the request of the electric utility, the Commission may, for good cause shown, extend the time for commencement of construction.

Note:

Under the motion, the current law definition of "electric utility" is any public utility, which is involved in the generation, distribution and sale of electric energy, and any corporation, company, individual or association, and any cooperative association, which owns or operates, or plans within the next three years to construct, own or operate, facilities in the state. → see 196.491(1)(d)

Under the motion, "commencement of construction" is currently defined as site clearing, excavation, placement of facilities or any other substantial action adversely affecting the natural environment of the site, but does ~~not~~ mean borings necessary to determine foundation conditions or other preconstruction monitoring to establish background information related to site or environmental suitability. → 196.491(1)(b)

Motion #708

MON 708
 Burke ✓
 Decker ✓
 Moore ✓
 Baumgart ✓
 Plache ✓
 Wirth ✓
 Daring ✓
 Welch ✓
 Gard ✓
 Kaufert ✓
 Albers ✓
 Duff ✓
 Ward ✓
 Huebsch ✓
 Huber ✓
 Cogg ✓
 Z Z Z Z Z Z Z Z Z Z

**DRAFT
PROPOSED LEGISLATION**

Any electric utility, as defined in § 196.491(1)(d), proposing to construct a facility, as defined in § 196.491(1)(e), other than a high voltage transmission line, shall commence construction, as defined in § 196.491(1)(b), within one year of the latest of any of the following:

1. issuance of a certificate of public convenience and necessity for the facility from the public service commission, pursuant to § 196.491(3);
2. issuance of every permit, approval, or license issued by a federal, state, or local authority that is required to be obtained prior to commencement of construction;
3. expiration of any deadline for filing a request for administrative review or reconsideration of any permit, approval, or license identified in sub. (2), above;
4. conclusion of any proceeding for judicial review requested under § 196.491(3)(j).

At the request of the electric utility, the commission may, for good cause shown, extend the time for construction.

For motion #708

Mark - this is
what we were given for
a motion request. you can
use this as you deem necessary.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb0319/1

MDK:./:...

WJ

LFB:.....Renner – Commencing construction of electric generating facilities

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1372, line 21: after that line insert:

3 “**SECTION 3001m.** 196.491 (3c)[✓] of the statutes is created to read:

4 196.491 (3c) COMMENCEMENT OF CONSTRUCTION OF LARGE ELECTRIC GENERATING
5 FACILITIES. (a) Except as provided in par. (b)[✓], an electric utility that has received a
6 certificate of public convenience and necessity under sub. (3)[✓] for constructing a large
7 electric generating facility shall commence construction no later than one year after
8 the latest of the following:

9 1. The date on which the commission issues the certificate of public convenience
10 and necessity.

1 2. The date on which the electric utility has been issued every federal and state
2 permit, approval, and license that is required prior to commencement of
3 construction.

4 3. The date on which every deadline has expired for requesting administrative
5 review or reconsideration of every federal and state permit, approval, and license
6 that is required prior to commencement of construction.

7 4. The date on which the electric utility has received the final decision, after
8 exhaustion of judicial review, in every proceeding for judicial review described in sub.
9 (3) (j).[↓]

10 (b) Upon showing of good cause, the commission may grant an extension to the
11 deadline specified in par. (a).[↓]

12 (c) If an electric utility does not commence construction of a large electric
13 generating facility within the deadline specified in par. (a)[↓] or extended under par. (b),[↓]
14 the certificate of public convenience and necessity is void[↓] and the electric utility may
15 not commence construction of the large electric generating facility.”

16 **2.** Page 1804, line 3: after that line insert:

17 “(4m)^K COMMENCEMENT OF CONSTRUCTION OF LARGE ELECTRIC GENERATING
18 FACILITIES. The treatment of section 196.491 (3c)[↓] of the statutes first applies to
19 certificates of public convenience and necessity that are issued on the effective date
20 of this subsection.”[ⓐ]

LPS:
Please
fix

(END)

LFB:.....Renner – Commencing construction of electric generating facilities

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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4 196.491 (**3c**) COMMENCEMENT OF CONSTRUCTION OF LARGE ELECTRIC GENERATING
5 FACILITIES. (a) Except as provided in par. (b), an electric utility that has received a
6 certificate of public convenience and necessity under sub. (3) for constructing a large
7 electric generating facility shall commence construction no later than one year after
8 the latest of the following:

9 1. The date on which the commission issues the certificate of public convenience
10 and necessity.

2. The date on which the electric utility has been issued every federal and state permit, approval, and license that is required prior to commencement of construction.

3. The date on which every deadline has expired for requesting administrative review or reconsideration of every federal and state permit, approval, and license that is required prior to commencement of construction.

4. The date on which the electric utility has received the final decision, after exhaustion of judicial review, in every proceeding for judicial review described in sub. (3) (j).

(b) Upon showing of good cause, the commission may grant an extension to the deadline specified in par. (a).

(c) If an electric utility does not commence construction of a large electric generating facility within the deadline specified in par. (a) or extended under par. (b), the certificate of public convenience and necessity is void, and the electric utility may not commence construction of the large electric generating facility.”.

2. Page 1804, line 3: after that line insert:

“(4mk) COMMENCEMENT OF CONSTRUCTION OF LARGE ELECTRIC GENERATING FACILITIES. The treatment of section 196.491 (3c) of the statutes first applies to certificates of public convenience and necessity that are issued on the effective date of this subsection.”.

(END)